

CONFLICT OF INTEREST CODE
OF THE
RESOURCE CONSERVATION DISTRICT
OF GREATER SAN DIEGO COUNTY

(Adopted December 7, 2004)

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation (attached) and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Resource Conservation District of Greater San Diego County (the "District").

All Officials required to submit a statement of economic interests shall file their statements with the District Manager as the District's Filing Officer. The Filing Officer shall make and retain a copy of all statements filed by officials who manage public investments, and forward the originals of such statements to the Clerk of the Board of Supervisors. The Filing Officer shall retain the originals of the statements of all other Designated Employees. The Filing Officer will make all retained statements available for public inspection and reproduction (Gov. Code Section 81008).

APPENDIX
CONFLICT OF INTEREST CODE
OF THE
RESOURCE CONSERVATION DISTRICT
OF GREATER SAN DIEGO COUNTY

(Adopted December 7, 2004)

EXHIBIT "A"

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

District Officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18701(b), are NOT subject to the District's Code, but are subject to the disclosure requirements of the Act. (Government Code Section 87200 et seq.). [Regs. § 18730(b)(3)] These positions are listed here for informational purposes only.

It has been determined that the positions listed below are officials who manage public investments¹:

Members of the Board of Directors

Treasurer

Financial Consultants

¹ Individuals holding one of the above-listed positions may contact the FPPC for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The FPPC makes the final determination whether a position is covered by § 87200.

DESIGNATED POSITIONS

GOVERNED BY THE CONFLICT OF INTEREST CODE

<u>DESIGNATED EMPLOYEES'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
District Manager	1, 2
General Counsel	1, 2
Consultant ²	

² Consultants shall be included in the list of Designated Employees and shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitation:

The District Manager may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this Section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The District Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

EXHIBIT "B"

DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of investments, business entities, sources of income, or real property which the Designated Employee must disclose for each disclosure category to which he or she is assigned.

Category 1: All investments and business positions in business entities, and sources of income located in, that do business in, or own real property within the jurisdiction of the District.

Category 2: All interests in real property which is located in whole or in part within, or not more than two (2) miles outside, the jurisdiction of the District.

Category 3: All investments and business positions in, and sources of income from, business entities that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of the District.

Category 4: All investments and business positions in, and sources of income from, business entities that are banking, savings and loan, or other financial institutions.

Category 5: All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the District.

Category 6: All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the Designated Employee's Department.

Resource Conservation District of Greater San Diego County
332 S. Juniper Street, Suite 110 * Escondido, CA 92025
Phone: 760-745-2061 * Fax: 760-745-3210 * Website: www.rcdsandiego.org

RESOLUTION NO. 12-07-04-2

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
RESOURCE CONSERVATION DISTRICT OF GREATER
SAN DIEGO COUNTY ADOPTING AN AMENDED
CONFLICT OF INTEREST CODE PURSUANT TO THE
POLITICAL REFORM ACT OF 1974**

WHEREAS, the Legislature of the State of California enacted the Political Reform Act of 1974, Government Code Section 81000 et seq. (the "Act"), which contains provisions relating to conflicts of interest which potentially affect all officers, employees and consultants of the Resource Conservation District of Greater San Diego County (the "District") and requires all public agencies to adopt and promulgate a Conflict of Interest Code; and

WHEREAS, the potential penalties for violation of the provisions of the Act are substantial and may include criminal and civil liability, as well as equitable relief which could result in the District being restrained or prevented from acting in cases where the provisions of the Act may have been violated; and

WHEREAS, notice of the time and place of a public meeting on, and of consideration by the Board of Directors of, the proposed amended Conflict of Interest Code was provided each designated employee and publicly posted for review at the offices of the District; and

WHEREAS, a public meeting was held upon the proposed amended Conflict of Interest Code at a regular meeting of the Board of Directors on December 7, 2004, at which all present were given an opportunity to be heard on the proposed amended Code.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Resource Conservation District of Greater San Diego County that the Board of Directors does hereby adopt the proposed amended Conflict of Interest Code, a copy of which is attached hereto and shall be on file with the District Manager and available to the public for inspection;

BE IT FURTHER RESOLVED that the said Conflict of Interest Code shall be submitted to the Board of Supervisors of the County of San Diego for approval and said Code shall become effective 30 days after the Board of Supervisors approves the proposed amended Code as submitted.

PASSED AND ADOPTED this 7th day of December, 2004, by the following vote:

AYES: Hilliker, Baker, Scott, Anderson, Humphrey, Nasland

NOES: None


ABSENT: Morrison

ABSTAIN: None



President, Board of Directors
Resource Conservation District
of Greater San Diego County

ATTEST:



District Manager
Resource Conservation District
of Greater San Diego County

LEGISLATIVE VERSION
CONFLICT OF INTEREST CODE
OF THE
RESOURCE CONSERVATION DISTRICT
OF GREATER SAN DIEGO COUNTY

(Adopted December 7, 2004)

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All Officials required to submit a statement of economic interests shall file their statements with the District Manager as the District's Filing Officer. The Filing Officer shall make and retain a copy of all statements filed by officials who manage public investments, and forward the originals of such statements to the Clerk of the Board of Supervisors. The Filing Officer shall retain the originals of the statements of all other Designated Employees. The Filing Officer will make all retained statements available for public inspection and reproduction (Gov. Code Section 81008).

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It has been determined that the positions listed below are officials who manage public investments¹:

Members of the Board of Directors

Treasurer

Financial Consultants

¹ Individuals holding one of the above-listed positions may contact the FPPC for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The FPPC makes the final determination whether a position is covered by § 87200.

~~It has been determined that the following positions make or participate in the making of decisions which may foreseeable have a material effect on financial interests. These positions are therefore required to file a Statement of Economic Interest:~~

- ~~• Appointed Directors~~
- ~~• Candidates for appointment~~
- ~~• Consultants contracted for more than \$10,000~~

~~The statement must include reporting in the following categories:~~

DESIGNATED POSITIONS

GOVERNED BY THE CONFLICT OF INTEREST CODE

<u>DESIGNATED EMPLOYEES'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
<u>District Manager</u>	<u>1, 2</u>
<u>General Counsel</u>	<u>1, 2</u>
<u>Consultant²</u>	

² Consultants shall be included in the list of Designated Employees and shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitation:

The District Manager may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this Section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The District Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

EXHIBIT "B"

DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of investments, business entities, sources of income, or real property which the Designated Employee must disclose for each disclosure category to which he or she is assigned.

Category 1: All investments and business positions in business entities, and sources of income located in, that do business in or own real property within the jurisdiction of the District.

Category 2: All Inclusive Reportable Interests in Real Property
Designees shall disclose all interest (worth more than \$1,000) All interests in real property which is located in whole or in part within, or not more than two (2) miles outside, the jurisdiction of the District if the interests are:

- 1) Held or owned by the designee, his or her spouse and dependent child or;
- 2) The pro rate share (worth more than \$1,000) of interests in real property of any business entity or trust in which the designee or spouse owns, directly, indirectly or beneficially a 10% interest or greater.

Category 4: Less Inclusive Reportable Investments

Designees shall disclose only investments (worth more than \$1,000) in any business entity, which within the last two years has contracted with or in the foreseeable future may contract with the Agency to provide services, supplies, materials, machinery or equipment to the Districts or of the type utilized by the District and associated with the duties of the designee.

Category 5: Less Inclusive Reportable Income

Designees shall disclose only that reportable income (\$250 or more during the reporting period; \$50 or more in the case of gifts) which is derived from a source which within the last two years has contracted with the District to provide services, supplies, materials, machinery or equipment to the District or of the type utilized by the district associated with the duties of the designee.

Category 3: All investments and business positions in, and sources of income from, business entities that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of the District.

Category 4: All investments and business positions in, and sources of income from, business entities that are banking, savings and loan, or other financial institutions.

Category 5: All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the District.

Category 6: All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the Designated Employee's Department.

Time of Filing:

~~Directors shall file statements within thirty days after assuming the designated position and updated when reappointed.~~

~~Candidates shall file statements when qualified.~~

~~Initial statements and assuming office statements shall disclose any reportable investments, interests in real property and business positions held.~~

Place of Filing

~~Designees shall file statements of economic interest with the District.~~

Content of Statement

~~Statements of economic interest shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency and shall contain the following information:~~

~~A. Investments and Real Property Disclosure~~

~~When an investment or an interest in real property is required to be reported the statement shall contain the following (For the purpose of disclosure, an interest in real property does not include the principal residence of the filer.):~~

- ~~1) The nature of the investment or interest~~
- ~~2) The name of the business entity in which investment is held, and a general description of the business activity in which the business entity is engaged~~
- ~~3) The address or other precise location of the real property~~
- ~~4) A Statement whether the fair market value of the investment or interest in real property exceeds one thousand dollars~~

~~B. Personal Income Disclosure~~

~~When required will include (this does not include salary or reimbursement of expenses):~~

- ~~1) The name and address of each source of income aggregating two hundred fifty dollars (\$250) or more in value or fifty dollars (\$50) or more in value if the income was a gift and a general description of the business activity, if any of each source.~~
- ~~2) A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source was one thousand dollars (\$1000) or greater.~~
- ~~3) A description of the consideration, if any, for which the income was received.~~
- ~~4) In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received.~~

- 5) ~~In the case of a loan, the annual interest rate and the security, if any given for the loan.~~

~~C. Business Entity Income Disclosures~~

~~When reporting is required the statement shall contain (Note: Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10% or greater interest. In addition, the disclosure of person who are clients, or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.):~~

- ~~1) The name, address, and a general description of the business activity of the business entity;~~
- ~~2) The name of every person from whom the business entity received payments if the designees pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000)~~

Disqualification

~~No designee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonable foreseeable material financial effect, distinguishable from its effect on the public in general.~~

Manner of Disqualification

~~When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying interest. This determination and disclosure shall be made part of the official minutes.~~